

~~ORGANIZED TO ENGAGE IN COMMERCIAL TRANSACTIONS AND AT LEAST 51 PERCENT OWNED AND CONTROLLED BY 1 OR MORE INDIVIDUALS WHO ARE MEMBERS OF A GROUP THAT IS:~~

~~(I) DISADVANTAGED SOCIALLY OR ECONOMICALLY BY THE EFFECTS OF PAST DISCRIMINATION; AND~~

~~(II) IDENTIFIED BY A STUDY CONDUCTED UNDER PARAGRAPH (5) OF THIS SUBSECTION OR A SIMILAR STUDY PREVIOUSLY CONDUCTED.~~

(2) By resolution and by implementing rules and regulations, the WSSC shall establish a mandatory minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the WSSC in accordance with competitive bidding procedures.

(3) The rules and regulations THAT ESTABLISH THE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION shall include, but not be limited to, [a provision] PROVISIONS that [recognizes]:

(i) [The] RECOGNIZE THE certification of minority business enterprises by the [Department of Transportation minority business enterprise program; and] STATE CERTIFICATION AGENCY DESIGNATED UNDER § 14-303(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(ii) [Any] RECOGNIZE ANY other certification program [of the State or a county] that in the judgment of the WSSC substantially duplicates the requirements of the [Department of Transportation] STATE CERTIFICATION AGENCY;

~~(III) ESTABLISH A SHELTERED MARKET COMPONENT IN WHICH BIDDING ON CONTRACTS DESIGNATED BY THE WSSC AS APPROPRIATE IS RESTRICTED TO CERTIFIED MINORITY BUSINESS ENTERPRISES;~~

~~(IV)~~ (III) PROVIDE FOR MINORITY BUSINESS PARTICIPATION THROUGH SUBCONTRACTING;

~~(V)~~ (IV) PERMIT THE WAIVER OF ALL OR PART OF THE PROVISIONS OF THE PROGRAM FOR A SPECIFIC CONTRACT IF THE WSSC DETERMINES THAT THE APPLICATION OF THE PROGRAM TO THE CONTRACT CONFLICTS WITH THE WSSC'S OVERALL OBJECTIVES AND RESPONSIBILITIES; AND

~~(VI)~~ (V) PROVIDE FOR THE GRADUATION OF A MINORITY BUSINESS ENTERPRISE FROM THE PROGRAM IF THE WSSC DETERMINES THAT THE MINORITY BUSINESS ENTERPRISE NO LONGER REQUIRES THE ASSISTANCE OR BENEFITS OFFERED BY THE PROGRAM.